IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5205 OF 2007

Dilip Damu Khade .... Petitioner

versus

Nandkumar Ganapati Kamble & anr..... Respondent.

Shri Prashant Patil i/b. Umesh Mankapure for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 26TH SEPTEMBER, 2007

P.C.;

1. Suit filed by the respondent/plaintiff for injunction against the present petitioner has been decreed. The trial court has recorded a finding that the plaintiffs are in possession of the suit property. In a reuglar Civil Aappeal filed by the petitioner, an application for stay of the judgment and decree was moved and the rejection of the said application has given raise to the filing of this writ petition.

2. The First Appellate Court by the impugned order dated 21-7-2006 has rejected the application. The impugned order further goes to observe that appellant shall be at liberty to move an application for appointment of Commissioner so that the agricultural produce can be sold under supervision of the

Commissioner so that ultimately if the present petitioner succeeds, appropriate orders in regard to the same can be passed.

3. Perused the order. The same does not call for any interference. The impugned order is holding field for more than a year. Hearing of the appeal is expedited, by the First appellate court. Taking over all view of the matter the writ petition is summarily dismissed. However, I hope and trust that the first appellate court shall proceed to decide the appeal as exeditiously as possible, and preferably within a period of six months from today.

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